

### REMARKS

Upon realization of this error, Applicant's Attorney of Record contacted Examiner Ensey by telephone to explain error and after discussion it was agreed that Examiner Ensey would withdraw the office action dated August 16, 2004 with correction being made with reissuance of new office action. Applicant encloses a copy of the communication dated January 18, 2005 documenting said agreement.

### CONCLUSION

In view of the above, Applicant requests correction be made with the office action of August 16, 2004 being withdrawn.

Additionally, it is believed that applicant should not be subject to paying any fees, extension fees or otherwise, since the correction is necessitated by Patent Office error. However, permission is hereby given to charge Deposit Account Number 50-1038 if the Office deems that such fee is required.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's attorney of record, Michael B. Lasky at (952) 253-4106.

Respectfully submitted,

Altera Law Group, LLC  
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Date: 2-11-05

By: 

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